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CE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/184,587	11/03/98	KOJIMA	H 826.1515/JDH

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EXAMINER

BARTUSKA, F

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 04/09/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/184587

Applicant(s)

H. KOJIMA

Examiner

F. J. BARTUSKI

Group Art Unit

2167

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on Nov. 3, 1998
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-34 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-34 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-28 and 34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Walker et al. Walker et al show a witness system 200, that receives purchase offers 100 from buyers, transmits the offers to sellers, receives seller responses 110 and transmits purchase confirmation 120 to the buyer and the seller, see col. 20, lines 2-4. The witness system confirms that the documents are accurate in col. 19, lines 32-40 and col. 18, lines 8-14. The witness system authenticates both the buyer and the seller, see col. 24, lines 31-46 and col. 26, lines 47-50. The witness system 200 has databases 265, 270 and 275 which keep track of all the transactions. The witness system includes a bonding agency 170 that issues a bonding certificate that verifies the ability of the buyer to pay and the ability of the seller to deliver the goods, see col. 27, line 19 to col. 30, line 29.

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Payment transfer means are disclosed in col. 21, lines 45-61. Payment by checks is disclosed in col. 20, line 53.

3. Claims 29-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Walker et al. Walker et al discloses a witness system including a first computing means 400 for making document data, a second computing means 300 for confirming the document data and a third computing means 200 for storing in memory the confirmed document data. DES encryption is disclosed in col. 24, line 28.

*Claim Rejections - 35 USC § 112*

4. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is indefinite because there is not proper antecedent basis for: "said calculating means".

*Drawings*

5. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

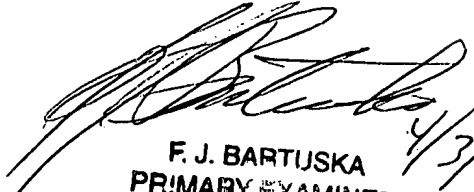
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*Specification*

6. The abstract of the disclosure is objected to because it includes claim-like language, such as: "said". Correction is required. See MPEP § 608.01(b).
7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*Conclusion*

8. Takahashi et al is cited to show the center site 10 which includes a notarization database 130. The publication of Ellen Messmer is cited for the disclosure on page 3 that it is known in EDI technology to do computerized cross checks to make sure the information matches up between the buyer's order and the seller's acknowledgment.
9. Any inquiry concerning this communication should be directed to F. J. Bartuska at telephone number (703) 308-1111.

  
F. J. BARTUSKA  
PRIMARY EXAMINER 4/3/01